

Sent to Governor  
(April 7, 1981)

S.B. 22	S.B. 396
S.B. 108	S.B. 467
S.B. 110	S.B. 489
S.B. 154	S.B. 540
S.B. 182	S.B. 548
S.B. 201	S.B. 585
S.B. 243	S.B. 609
S.B. 250	S.B. 713
S.B. 272	S.C.R. 5

**FIFTIETH DAY**  
(Wednesday, April 8, 1981)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Absent-excused: Brooks.

A quorum was announced present.

The Reverend Dr. Gerald Mann, Senate Chaplain, offered the invocation as follows:

Lord, today teach us the difference between those who want to carve out justice and those who simply want to chisel. Amen.

On motion of Senator Snelson and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Brooks was granted leave of absence for today on account of important business on motion of Senator Parker.

**MESSAGE FROM THE HOUSE**

House Chamber  
April 8, 1981

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 391**, Relating to intergovernmental efficiency and coordination in grant and contract management.

**H.B. 717**, Relating to criminal trespass.

**H.B. 892**, Relating to certain precinct maps furnished to the secretary of state by the county clerk.

**H.B. 970**, Relating to publication of school district financial statements and of notice of school district fiscal hearings.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**CO-AUTHOR OF SENATE BILL 100**

On motion of Senator Mengden and by unanimous consent, Senator Sarpalius will be shown as Co-author of S.B. 100.

**CO-AUTHOR OF SENATE BILL 410**

On motion of Senator Ogg and by unanimous consent, Senator Mengden will be shown as Co-author of S.B. 410.

**CO-AUTHOR OF SENATE BILL 568**

On motion of Senator McKnight and by unanimous consent, Senator Brown will be shown as Co-author of S.B. 568.

**HOUSE CONCURRENT RESOLUTION 130**

The President laid before the Senate the following resolution:

**H.C.R. 130**, Expressing wishes for recovery to President Reagan and other victims of assassination attempt.

The resolution was read.

On motion of Senator Vale and by unanimous consent, the resolution was considered immediately and was adopted.

**REPORTS OF STANDING COMMITTEES**

Senator Harris submitted the following report for the Committee on Economic Development:

**S.B. 1013**  
**C.S.S.B. 813** (Read first time)  
**S.B. 986**

**S.B. 466**  
**S.B. 1059**  
**C.S.S.B. 13** (Read first time)

Senator Snelson submitted the following report for the Committee on Education:

**C.S.S.B. 77** (Read first time)

Senator Blake submitted the following report for the Committee on Administration:

**S.C.R. 70** (Amended)  
**S.C.R. 81**  
**S.C.R. 83**  
**S.C.R. 85**  
**S.C.R. 84**  
**S.C.R. 60**

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

**S.B. 1116** (Amended)  
**H.B. 563**  
**S.B. 927**  
**C.S.S.B. 1115** (Read first time)  
**C.S.S.B. 958** (Read first time)

Senator McKnight submitted the following report for the Subcommittee on Nominations:

We, your Subcommittee on Nominations, to which were referred the following appointments, have had same under consideration, and beg to report them back to the Senate for final consideration.

To be PAROLE COMMISSIONERS - BOARD OF PARDONS AND PAROLES: Glenn Heckmann, Brazoria County; Donn D. Woolery, Walker County.

To be Members of the TEXAS ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS: Harry Stephen Bartlett, Dallas County; Edward J. Drake, Dallas County; Mrs. Louisa Belle Kyles, Jasper County; Edmond S. Maxon III, Harris County; E. Jeffrey Wentworth, Bexar County.

To be a Member of the TEXAS AERONAUTICS COMMISSION: George M. Underwood, Dallas County.

To be Members of the BOARD OF REGENTS - TEXAS STATE UNIVERSITY SYSTEM: John S. Cargile, Tom Green County; Dr. W. C. Perry, McLennan County.

To be Members of the BOARD OF DIRECTORS - UNIVERSITY SYSTEM OF SOUTH TEXAS: Ricardo Gutierrez, Starr County; William M. Pena, Harris County.

To be a Member of the STATE COMMISSION ON JUDICIAL CONDUCT: (appointment by the Supreme Court of Texas) Wayne LeCroy, Lubbock County.

To be Members of the TEXAS ANIMAL HEALTH COMMISSION: Bobby Baros, Gonzales County; James B. Owen, Smith County; James D. Sartwelle, Austin County.

To be a Member of the GULF COAST WASTE DISPOSAL AUTHORITY: Dr. William Thomas Arnold, Harris County.

To be a Member of the TEXAS ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS: William G. Nikolis, Dallas County.

#### **SENATE BILL ON FIRST READING**

On motion of Senator Parker and by unanimous consent, the following bill was introduced, read first time and referred to the Committee indicated:

**S.B. 1198** by Parker Intergovernmental Relations  
Relating to the creation of a judicial district composed of Chambers County and the office of district attorney for the district and to the reorganization of the 75th and 253rd Judicial Districts.

#### **HOUSE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution received from the House were read the first time and referred to the Committee indicated:

**H.B. 903**, To Committee on Finance.  
**H.B. 1251**, To Committee on Intergovernmental Relations.  
**H.B. 1093**, To Committee on Economic Development.  
**H.B. 840**, To Committee on Jurisprudence.  
**H.B. 30**, To Committee on Economic Development.  
**H.B. 12**, To Committee on Intergovernmental Relations.  
**H.C.R. 110**, To Committee on Administration.

#### **SENATE RESOLUTION 466**

Senator Leedom offered the following resolution:

**S.R. 466**, Commending Gershon Canaan, Honorary Consul of the Federal Republic of Germany, for his efforts to bring about a better relationship between the citizens of Texas, the United States and the citizens of Germany.

The resolution was read and was adopted.

#### **GUESTS PRESENTED**

Senator Leedom escorted Mr. Canaan to the President's Rostrum, and introduced him to the Members.

The President presented Mr. Canaan with an enrolled copy of Senate Resolution 466.

Mr. Canaan addressed the Senate.

Senator Leedom introduced Mrs. Canaan and son, Robert Canaan, and Dr. Eleanore Linsmayer, Consul General, Federal Republic of Germany.

#### HOUSE CONCURRENT RESOLUTION 136

The President laid before the Senate the following resolution:

**H.C.R. 136**, Inviting The Honorable James C. Wright, Jr., to address a Joint Session of the Legislature on April 21, 1981, at 11:30 o'clock a.m.

The resolution was read.

On motion of Senator Meier and by unanimous consent, the resolution was considered immediately and was adopted.

#### COMMUNICATION FROM TEXAS DEPARTMENT OF HUMAN RESOURCES

The following Communication from the Texas Department of Human Resources was read and was referred to the Subcommittee on Nominations:

TEXAS DEPARTMENT OF HUMAN RESOURCES  
April 7, 1981

The Senate of the State of Texas  
67th Legislature  
Regular Session  
Capitol Building  
Austin, Texas 78711

Dear Senators:

The Board of Human Resources has unanimously appointed Marlin W. Johnston to be Commissioner of this Department at a regular meeting of the Board on this date. We shall appreciate your consideration of his appointment by referring his appointment to the Sub-Committee on Nominations of the State Affairs Committee of the Senate.

Sincerely,

/s/Hilmar G. Moore

#### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Subcommittee on Nominations:

Austin, Texas  
April 8, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE, REGULAR  
SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

**TO BE A MEMBER OF THE FINANCE COMMISSION OF TEXAS:**

For a six-year term to expire February 1, 1987:

V. F. (DOC) NEUHAUS of McAllen, Hidalgo County, is being reappointed - business ability position.

GERALD HICKS SMITH of Houston, Harris County, is being reappointed - representing Quartile IV.

**TO BE A MEMBER OF THE CREDIT UNION COMMISSION:**

For a six-year term to expire February 15, 1987:

WALTER V. DUNCAN of Richardson, Dallas County, is being reappointed.

**TO BE A MEMBER OF THE TEXAS OPTOMETRY BOARD:**

For a six-year term to expire January 31, 1987:

SALVADOR S. MORA of Laredo, Webb County, is being reappointed.

Respectfully submitted,

William P. Clements, Jr.  
Governor of Texas

**CONFERENCE COMMITTEE REPORT  
HOUSE BILL 1341**

Senator Caperton submitted the following Conference Committee Report:

Austin, Texas  
April 7, 1981

Honorable William P. Hobby  
President of the Senate

Honorable Bill Clayton  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **H.B. 1341** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass.

CAPERTON  
McKNIGHT  
FARABEE  
On the part of the Senate

BENEDICT  
TOW  
HOLLOWELL  
On the part of the House

The Conference Committee Report was read and filed with the Secretary of the Senate.

#### SENATE BILL 741 WITH HOUSE AMENDMENTS

Senator Traeger called S.B. 741 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1 - Craddick

Amend S.B. 741 on page 14, line 5, by re-inserting the following sentence:

"Members of the Board of Directors shall be ineligible to submit such bids."

Committee Amendment No. 2 - Craddick

Amend S.B. 741 by adding the following language on page 30, line 1 after the word "surplus":

"The Board shall cause a notice of such proposed sale to be published once each week for three (3) consecutive weeks in a newspaper of general circulation in the county or counties in which said property or interest therein is situated if the appraised value of said property or interest therein is in excess of Five Thousand Dollars (\$5,000) and if the said property or interest therein is not partial or total consideration in a transaction for the exchange of properties."

The amendments were read.

Senator Traeger moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brooks.

#### SENATE BILL 331 WITH HOUSE AMENDMENT

Senator Traeger called S.B. 331 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Simpson

Amend S.B. 331, page 3, by striking the language on lines 21 through 26 and substituting the following:

(B) require each institution to include in its respective bid documents for the various coverages, a provision calling for each bidder to identify its administrative cost as a distinguishable figure, and to enumerate what services the bidder will render in exchange for the administrative cost so identified  
~~[determine maximum costs for administration of the plans by the administering carriers].~~

The amendment was read.

Senator Traeger moved to concur in the House amendment.

The motion prevailed.

#### **SENATE BILL 325 WITH HOUSE AMENDMENT**

Senator Williams called **S.B. 325** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Pierce

Amend **S.B. 325** on page 2 by striking the sentence beginning on line 10 and substituting the following:

The certificates of indebtedness may be issued by order of the commissioners court if the issuance is approved by a majority of the qualified voters of the county voting on the question at an election called by the commissioners court. The election shall be held on the next uniform election date authorized by Section 9b, Texas Election Code, as amended (Article 2.01b, Vernon's Texas Election Code), that occurs at least 20 days after the day on which the election is called. The commissioners court shall order the ballot to be printed to provide for voting for or against the proposition: "Issuing certificates of indebtedness by the county to acquire, purchase, construct, repair, renovate, improve, or equip firefighter training facilities or to purchase real or personal property in connection with these facilities." Each qualified voter in the county may vote in the election. The aggregate principal amount of certificates of indebtedness issued under this Act may not exceed \$5,000,000.

The amendment was read.

Senator Williams moved to concur in the House amendment.

The motion prevailed.

#### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 767 ADOPTED**

Senator Farabee called from the President's table the Conference Committee Report on **S.B. 767**. (The Conference Committee Report having been filed with the Senate and read on Tuesday, April 7, 1981)

On motion of Senator Farabee, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Brooks.

#### **NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator McKnight gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.



**BILLS SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills:

S.B. 30  
S.B. 51 (Signed subject to Sec. 49(a),  
Art. III, Constitution of  
State of Texas)  
S.B. 73  
S.B. 138  
S.B. 162  
S.B. 225  
S.B. 240  
S.B. 271  
S.B. 339  
H.C.R. 42

**SENATE BILL 313 ON SECOND READING**

Senator Williams asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 313**, Relating to commercial shrimping in bait bays.

There was objection.

Senator Williams then moved to suspend the regular order of business and take up **S.B. 313** for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Andujar, Blake, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Traeger, Travis, Uribe, Vale, Williams.

Nays: Truan, Wilson.

Absent: Snelson.

Absent-excused: Brooks.

The bill was read second time.

Senator Williams offered the following committee amendment to the bill:

Amending Senate Bill 313 by inserting the words "and/or nursery areas" between the words "bait bays" and "with" in the first sentence of Sec. 77.096 under SECTION 1.

The committee amendment was read and was adopted.

Senator Williams offered the following committee amendment to the bill:

Amending Senate Bill 313 by amending the caption to read as follows:  
“relating to commercial shrimping in bait bays and nursery areas.”

The committee amendment was read and was adopted.

On motion of Senator Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### RECORD OF VOTES

Senators Truan and Wilson asked to be recorded as voting “Nay” on the passage of the bill to engrossment.

#### SENATE BILL 313 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 313 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Andujar, Blake, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Uribe, Vale, Williams.

Nays: Truan, Wilson.

Absent-excused: Brooks.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

(Senator Snelson in Chair)

#### MOTION TO PLACE SENATE BILL 783 ON SECOND READING

Senator Mauzy moved to suspend the regular order of business to take up for consideration at this time:

S.B. 783, Relating to the admissibility of an oral statement made by an accused in a criminal case. (Submitted by Governor as an emergency)

The motion was lost by the following vote: Yeas 8, Nays 22.

Yeas: Doggett, Mauzy, Parker, Santiesteban, Short, Truan, Uribe, Vale.

Nays: Andujar, Blake, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, McKnight, Meier, Mengden, Ogg, Richards, Sarpalius, Snelson, Traeger, Travis, Williams, Wilson.

Absent-excused: Brooks.

(President in Chair)

**MESSAGE FROM THE HOUSE**

House Chamber  
April 8, 1981

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 139**, Congratulating Hardin-Simmons University in Abilene, Texas on its 90th Anniversary.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**SENATE BILL 855 ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 855**, Relating to the surrender of a driver's license as bond after arrest for a misdemeanor traffic violation.

The bill was read second time and was passed to engrossment.

**SENATE BILL 855 ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 855** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brooks.

The bill was read third time and was passed.

**COMMITTEE SUBSTITUTE SENATE BILL 823 ON SECOND READING**

Senator Doggett moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 823**, Relating to including children under twenty-one (21) years of age who have neurofibromatosis in the category of persons who are eligible for services under the crippled children's program of the Texas Department of Health; and declaring an emergency.

The motion prevailed by the following vote: Yeas 20, Nays 8, Present-not voting 1.

Yeas: Caperton, Doggett, Farabee, Glasgow, Howard, Kothmann, Leedom, Mauzy, McKnight, Ogg, Parker, Santiesteban, Sarpalius, Short, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Blake, Brown, Harris, Jones, Meier, Mengden, Richards, Travis.

Present-not voting: Andujar.

Absent: Snelson.

Absent-excused: Brooks.

The bill was read second time and was passed to engrossment.

#### RECORD OF VOTE

Senator Travis asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### SENATE BILL 978 ON SECOND READING

On motion of Senator Howard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 978**, Relating to industrial development corporations.

The bill was read second time.

Senator Howard offered the following committee amendment to the bill:

Amend **S.B. 978**, page 13, lines 15 through 19 by striking Sec. 23A and substituting the following:

Sec. 23A. A corporation may charge fees to pay the costs, excluding attorney's fees, incurred in connection with a lease, sale, or loan agreement made under this Act. The total of those fees may not exceed three-fourths of one percent of the first one million dollars in bonds issued plus one-eighth of one percent for each million dollars thereafter.

The committee amendment was read.

Senator Howard offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to **S.B. 978** to read as follows:

"Strike Section 6 on page 6 and renumber subsequent sections of the bill."

The amendment to the committee amendment was read and was adopted.

Question recurring on the adoption of the committee amendment as amended, the committee amendment as amended was adopted.

Senator Howard offered the following committee amendment to the bill:

Amend S.B. 978 by renumbering Section 17 as Section 18 and adding new Section 17 to read as follows:

SECTION 17. If an agreement to issue bonds adopted by a corporation was approved in accordance with Section 24(f) of the Development Corporation Act of 1979 before the effective date of this Act, the corporation may carry out the project for which the bonds are issued as if the Development Corporation Act of 1979 had not been amended by this Act.

The committee amendment was read.

Senator Howard offered the following amendment to the committee amendment:

Amend Committee Amendment No. 2 to S.B. 978 as follows:

"Amend S.B. 978 by renumbering Section 17 as Section 18 and adding new Section 17 to read as follows:

'Section 17. If a resolution is adopted by the board expressing its intent to issue bonds for the purpose of financing a project, or other similar official action is taken by a corporation toward the issuance of such bonds, under the Development Corporation Act of 1979 and the regulations of the Commission in effect before the effective date of this Act, the corporation may issue such obligations, and any obligations to refund the same, for the purpose of such project as if the Development Corporation Act of 1979 had not been amended by this Act.'

The amendment to the committee amendment was read and was adopted.

Question recurring on the adoption of the committee amendment as amended, the committee amendment as amended was adopted.

Senator Parker offered the following amendment to the bill:

Amend Senate Bill 978, Section 1, subsection 10, by striking said item and substituting with the following definition of "Project":

"PROJECT" shall mean the land, buildings, equipment, facilities, and improvements (one or more) found by the Board of Directors to be required or suitable for the promotion of manufacturing development and expansion, and for the industrial development and expansion of airport and port facilities, distribution centers, sewage or solid waste disposal facilities, air or water pollution control facilities, and other industrial facilities, and facilities which are related to any of the foregoing, and in furtherance of the public purposes of the act, all as defined in the rules of the commission, irrespective of whether in existence or required to be acquired or constructed thereafter. In addition, in blighted or economically depressed areas or federally assisted new communities located within a home rule city, a project may include the land, buildings, equipment, facilities and improvements (one or more) found by the board of directors to be required or suitable for the promotion of commercial development and expansion and in furtherance of the public purposes of this act, or for use by commercial enterprises, all as defined in the rules of the commission, irrespective of whether in existence or required to be acquired or constructed thereafter. As used in this act, the term blighted or economically

depressed areas shall mean those areas within a city which by reason of the presence of a substantial number of substandard, slum, deteriorated, or deteriorating structures, or which suffers from a high relative rate of unemployment, or which have been designated and included in a tax incremental district created under Article 1066d, Vernon's Texas Civil Statutes, or any combination of the foregoing, the city finds and determines, after a hearing, substantially impairs or arrests the sound growth of the city, or constitutes an economic or social liability and is a menace to the public health, safety, or welfare in its present condition and use. Notice of the hearing at which the city considers establishment of an economically depressed or blighted area shall be posted at the City Hall prior to such hearing.

The amendment was read and was adopted.

Senator Howard offered the following amendment to the bill:

Amend **S.B. 978**, Section 8, by striking paragraph (f) of Section 25 of Article 5190.6 Vernon's Texas Civil Statutes and providing by substitution the following:

"(f). No issue of bonds, including refunding bonds, shall be delivered by the corporation without a resolution of the governing body adopted no more than sixty days prior to the date of delivery of the bonds specifically approving the resolution of the corporation providing for the issuance of the bonds."

The amendment was read and was adopted.

On motion of Senator Howard and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### **RECORD OF VOTES**

Senator Doggett asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Senator Ogg asked to be recorded as "Present-not voting" on the passage of the bill to engrossment.

#### **SENATE BILL 978 ON THIRD READING**

Senator Howard moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 978** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1, Present-not voting 1.

Yeas: Andujar, Blake, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Doggett.

Present-not voting: Ogg.

Absent-excused: Brooks.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1, Present-not voting 1. (Same as previous roll call)

#### **SENATE BILL 747 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 747**, Relating to the use of county equipment and employees to assist other governmental entities.

The bill was read second time.

Senator McKnight offered the following amendment to the bill:

Amend **S.B. 747**

(1) On line 8, Section 1, before the word "if", add the following:

"so long as the cost does not exceed \$3,000.00."

The amendment was read and was adopted.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### **SENATE BILL 747 ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 747** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brooks.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brooks.

#### **COMMITTEE SUBSTITUTE SENATE BILL 403 ON SECOND READING**

On motion of Senator McKnight and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 403**, Relating to continuation of the Texas Aeronautics Commission and the regulation of aeronautics.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 403 ON THIRD READING**

Senator McKnight moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 403 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brooks.

The bill was read third time and was passed.

**GUESTS PRESENTED**

Senator Glasgow was recognized and presented Dr. Arthur Raines of Cleburne, Democratic State Executive Committeeman, 22nd Senatorial District, and Dr. Edwin Goodall of Breckenridge, Capitol Physician for today.

These gentlemen were welcomed as guests of the Senate for today.

**COMMITTEE SUBSTITUTE SENATE BILL 974 ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 974, Relating to the distribution of the proceeds received from the sale of certain highway rights of way.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 974 ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 974 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brooks.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brooks.

**MOTION TO PLACE SENATE BILL 766 ON SECOND READING**

Senator Ogg moved to suspend the regular order of business to take up for consideration at this time:

S.B. 766, Providing for the incorporation, regulation, administration, and dissolution of not for profit health facilities development corporations by cities, counties, and hospital districts for the public purpose of promoting and



developing new, expanded, and improved health care and health care related facilities necessary for health care, research, and education; and declaring an emergency.

The motion was lost by the following vote: Yeas 18, Nays 12. (Not receiving two-thirds vote of Members present)

Yeas: Andujar, Brown, Caperton, Glasgow, Harris, Kothmann, Leedom, McKnight, Ogg, Richards, Santiesteban, Sarpalius, Traeger, Travis, Uribe, Vale, Williams, Wilson.

Nays: Blake, Doggett, Farabee, Howard, Jones, Mauzy, Meier, Mengden, Parker, Short, Snelson, Truan.

Absent-excused: Brooks.

#### COMMITTEE SUBSTITUTE SENATE BILL 526 ON SECOND READING

Senator Jones moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 526**, Relating to regulation of opticians; providing a penalty.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Andujar, Blake, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Meier, Mengden, Ogg, Richards, Santiesteban, Sarpalius, Short, Snelson, Travis, Truan, Uribe, Vale, Williams.

Nays: Mauzy, McKnight, Parker, Traeger, Wilson.

Absent-excused: Brooks.

The bill was read second time and was passed to engrossment.

#### RECORD OF VOTES

Senators Mauzy and Wilson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### COMMITTEE SUBSTITUTE SENATE BILL 526 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 526** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Andujar, Blake, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Travis, Truan, Uribe, Vale, Williams.

Nays: Doggett, Mauzy, Traeger, Wilson.

Absent-excused: Brooks.

The bill was read third time and was passed.

#### **RECORD OF VOTES**

Senators Mauzy and Wilson asked to be recorded as voting "Nay" on the final passage of the bill.

#### **MESSAGE FROM THE HOUSE**

House Chamber  
April 8, 1981

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 370**, Relating to the administration and collection of sales and use taxes. (With amendment)

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### **SENATE BILL 292 ON SECOND READING**

Senator Richards asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 292**, Relating to the fee charged by the Texas Department of Health for copies of vital records; amending Section 21, Chapter 41, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Rule 54a, Article 4477, Vernon's Texas Civil Statutes).

There was objection.

Senator Richards then moved to suspend the regular order of business and take up **S.B. 292** for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Andujar, Blake, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, McKnight, Meier, Mengden, Ogg, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Mauzy, Parker.

Absent-excused: Brooks.

The bill was read second time and was passed to engrossment.

**RECORD OF VOTE**

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**SENATE BILL 292 ON THIRD READING**

Senator Richards moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 292** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Andujar, Blake, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, McKnight, Meier, Mengden, Ogg, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Mauzy, Parker.

Absent-excused: Brooks.

The bill was read third time and was passed.

**MEMORIAL RESOLUTIONS**

**S.R. 473** - By Mengden: Memorial resolution for Dorothy "Betty" Kells.

**S.R. 477** - By Snelson: Memorial resolution for Billy Gene Edminston.

**S.R. 478** - By Snelson: Memorial resolution for Thomas S. "Tom" Cox.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**H.C.R. 139** (Jones) Extending congratulations to Hardin-Simmons University in Abilene on its 90th anniversary.

**S.R. 465** - By Brown: Extending welcome to students of Home and Family Living Classes from Bay City High School.

**S.R. 475** - By Santiesteban: Commemorating the 300th anniversary of the founding of the Christian Brothers.

**S.R. 476** - By Kothmann: Extending welcome to Shannon Michele Young, "Honorary Page" for the day.

**S.R. 479** - By Glasgow: Extending welcome to Dr. Edwin Goodall, "Capitol Physician" for the day.

**S.R. 480** - By Glasgow: Extending welcome to Dr. and Mrs. Rusty Raines.

**RECESS**

On motion of Senator Snelson the Senate at 12:16 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

**APPENDIX**

Signed by Governor  
(April 7, 1981)

**S.B. 192** Effective immediately

Sent to Governor  
(April 8, 1981)

**S.B. 30**  
**S.B. 73**  
**S.B. 138**  
**S.B. 162**  
**S.B. 225**  
**S.B. 240**  
**S.B. 271**  
**S.B. 339**

Sent to Comptroller  
(April 8, 1981)

**S.B. 51**

**FIFTIETH DAY**

(Continued)

(Thursday, April 9, 1981)

**AFTER RECESS**

The Senate met at 8:30 o'clock a.m. and was called to order by Senator Blake.

**MESSAGE FROM THE HOUSE**

House Chamber  
April 9, 1981

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 196**, Relating to a requirement that grantees' addresses be in or attached to any document conveying real property before the document may be recorded.

**H.B. 247**, Relating to the rights of former convicts to obtain occupational licenses.

**H.B. 375**, Relating to awarding attorney's fees in a declaratory judgment action.

**H.B. 790**, Relating to the use of emergency warning devices on authorized emergency vehicles.

**H.B. 825**, Relating to the temporary licensing requirements of life insurance agents and defining agents to which this Act is applicable.

**H.B. 917**, Relating to motor vehicle sales and use tax on motor carriers.

**H.B. 1030**, Relating to the requirement that an applicant for a private club registration permit publish notice of the application.

**H.B. 1391**, Relating to state contributions to the Employees Retirement System of Texas.

**H.B. 1559**, Relating to payment of social security contributions for state employees.

**H.B. 2310**, Relating to certain claims for damages for injury, death, or property damage.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of S.R. 148.

After suspending the regular order, the following bills were read second time, amended where applicable, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of regular order, Constitutional Three-Day Rule and final passage indicated after caption of each bill)

**S.C.R. 68** (Doggett) Granting Frank Curtis permission to sue the State of Texas. (30-0) vv

Senator Doggett offered the following committee amendment to the resolution:

Amend **S.C.R. 68** by deleting the last resolved clause and substituting in lieu thereof the following:

RESOLVED, That nothing in this resolution may be construed as an admission by the State of Texas or by any of its employees, agents, departments, agencies, or political subdivisions of liability or of the truth of any allegation asserted by the claimant, but the alleged cause of action must be proved under the laws of this state as in other civil suits; and, be it further

RESOLVED, That nothing in this resolution may be construed as a waiver of any defense of law or fact available to the State of Texas or to any of its employees, agents, departments, agencies, or political subdivisions but every defense is specifically reserved.

The committee amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

**H.C.R. 90** (Wilson) Requesting the Historical Commission to authorize a historical marker at the grave site of Sidney Roper Weisiger. (30-0) vv

**S.B. 381** (Wilson) Relating to regulation of the possession of wildlife resources under the Uniform Wildlife Regulatory Act. (30-0) (30-0) (30-0)

Senator Wilson offered the following committee amendment to the bill:

Amend Senate Bill No. 381 by adding to SECTION 3 a new section to read as follows:

"Section 61.0521. EXCEPTIONS. The possession limits of this chapter do not apply to a person holding a license issued under Section 47.002, 47.003, 47.009, 47.010, 47.011, 47.013, 47.014, or 47.019 of this code."

The committee amendment was read and was adopted.

On motion of Senator Wilson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**C.S.S.B. 472** (Mauzy) Relating to payroll deductions for certain insurance premiums and charitable contributions in certain counties. (30-0) (30-0) (30-0)

**S.B. 544** (Mengden) Relating to weapons proficiency of peace officers. (30-0) (30-0) (30-0)

**S.B. 545** (Mengden) Relating to weapons proficiency of commissioned security officers. (30-0) (30-0) (30-0)

Senator Mengden offered the following committee amendment to the bill:

Amend **S.B. 545** by striking the figure "12" and substituting the figure "24" in quoted subsection (g) of quoted Article 4413(29bb) in Section 1.

The committee amendment was read and was adopted.

On motion of Senator Mengden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**S.B. 710** (Parker) Relating to public school contracts that require competitive bidding. (30-0) (30-0) (30-0)

**S.B. 736** (Williams) Relating to the limitation of operating expenses to qualify for exemption by certain insurance associations. (30-0) (30-0) (30-0)